

**GOVERNMENT OF INDIA
TRIBAL AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:2439

ANSWERED ON:14.12.2015

Difficulties in getting ST Certificates

Meena Shri Harish Chandra;Ramachandran Shri Krishnan Narayanasamy

Will the Minister of TRIBAL AFFAIRS be pleased to state:

- (a) whether the Tribes are facing problems in getting ST certificates from the State authorities and if so, the details thereof;
- (b) whether Meena/Mina tribal community are also facing difficulties in obtaining ST certificates in Rajasthan and if so, the details thereof along with the corrective measures taken by the Union Government in this regard;
- (c) whether the National Commission on STs have issued instructions in this regard and if so, the details thereof;
- (d) whether the Union Government has noticed/received requests to remove the discrepancies in the spelling of the names of Scheduled Tribes registered in the records; and
- (e) if so, the details thereof along with the corrective measures taken by the Union Government in this regard?

Answer

MINISTER OF STATE IN THE MINISTRY OF TRIBAL AFFAIRS
(SHRI MANSUKHBHAI DHANJIBHAI VASAVA)

(a) to (b): The Ministry of Tribal Affairs is the nodal Division for specification of Scheduled Tribes under Article 342 of the Constitution. The subject matter of issuance/verification of Scheduled Tribes certificates/social status rests with the concerned State Government/UT Administration. As per Gazette of India Notification "The Scheduled Caste and Scheduled Tribes Orders (Amendment) Act, 1976 (No. 108 of 1976) dated 20.09.1976 the 'Mina' community is listed at Sl. No. 9 in Scheduled Tribes list of Rajasthan.

The Constitutional bench of the Hon'ble Supreme Court in Case No. 652 of 2000 State of Maharashtra Vs. Milind and Ors. in its decision dated 28.11.2000 regarding the Orders issued under Articles 341 and 342 of the Constitution, had inter alia held, that "The Scheduled Tribes Order must be read as it is, it is not even permissible to say that a tribe, sub-tribe, part of or group of any tribe or tribal community is synonymous to the one mentioned in the Scheduled Tribes Order if they are not so specifically mentioned in it".

In pursuance to the judgment 2-9-1994 of the Hon'ble Supreme Court in case of Kumari Madhuri Patil V/s Additional Commissioner, Tribal Development, Maharashtra {(Civil Appeal No. 5854 of 1994 (arising out of SLP (Civil No. 14767 of 1993) , the Apex Court has given direction regarding to streamlining the procedures for issuance and verification of ST certificates and social status. The instructions of Hon'ble Apex Court have been conveyed to all States/UTs, from time to time.

(c): National Commission for Scheduled Tribes informed that no such instructions have been issued by them.

(d): The list of tribes are notified under Article 342 of the Constitution of India. The Government of India, on 15.6.1999, and further amended on 25.6.2002, has laid down the modalities for determining the claims for inclusion in, exclusion from and other modification in the Orders specifying lists of Scheduled Tribes. According to these modalities, only those proposals which have been recommended and justified by the concerned State Government, and concurred with by the Registrar General of India (RGI) and the National Commission for Scheduled Tribes (NCST) are to be considered for amendment of legislation. The State Government / UT Administration have made recommendations for inclusion of communities as Scheduled Tribes/Changes in spelling of listed Scheduled Tribes/ modification of area restriction. A statement indicating State/UT-wise proposals for inclusion of communities as ST/modification of names of Scheduled Tribes/removal of area restrictions, in the list of Scheduled Tribes is annexed at Annexure.

(e): Recommendation of State Governments/UT Administration has been processed in accordance with the extant modalities.
